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8 **BEFORE THE**  
9 **REGISTRAR OF CONTRACTORS**  
10 **CONTRACTORS' STATE LICENSE BOARD**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. N2010-264

14 **JUAN ANTONIO VAZQUEZ, Sole Owner**  
15 **and d.b.a. TONY'S PLUMBING**  
16 **COMPANY**  
17 **PO Box 1260**  
18 **Santa Clara, CA 95050**

**A C C U S A T I O N**

19 **Contractor's License No. 682234, C-36**

20 Respondents.

21 Complainant alleges:

22 **PARTIES**

23 1. Wood Robinson (Complainant) brings this Accusation solely in his official capacity  
24 as the Enforcement Supervisor I of the Contractors' State License Board (Board).

25 2. On or about December 15, 1993, the Registrar of Contractors (Registrar) issued  
26 Contractor's License Number 682234, Classification C-36 (Plumbing Contractor), to Juan  
27 Antonio Vazquez, sole owner and doing business as Tony's Plumbing Company (Respondents).  
28 The Contractor, C-36 License was in full force and effect at all times relevant to the charges  
brought in this Accusation and will expire on December 31, 2011, unless renewed.

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4. Code section 118, subdivision (b), provides that the expiration of a license shall not deprive the Registrar of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under Code section 7076.1, the Registrar may reinstate a cancelled license if the licensee pays all of the fees and meets all of the qualifications and requirements for obtaining an original license.

6. Code section 7076.5 provides that the inactive status of a license shall not bar any disciplinary action for violating provisions of the Contractors' State License Law (Bus. & Prof. Code, § 7000, et seq.).

## STATUTORY PROVISIONS

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1           9.     Code section 493 states:

2           "Notwithstanding any other provision of law, in a proceeding conducted by a board within  
3 the department pursuant to law to deny an application for a license or to suspend or revoke a  
4 license or otherwise take disciplinary action against a person who holds a license, upon the  
5 ground that the applicant or the licensee has been convicted of a crime substantially related to the  
6 qualifications, functions, and duties of the licensee in question, the record of conviction of the  
7 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,  
8 and the board may inquire into the circumstances surrounding the commission of the crime in  
9 order to fix the degree of discipline or to determine if the conviction is substantially related to the  
10 qualifications, functions, and duties of the licensee in question.  
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12           "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and  
13 'registration.'"

14           10.    Code section 7096 provides:

15           "For the purposes of this chapter, the term "licensee" shall include an individual,  
16 copartnership, corporation, joint venture, or any combination or organization licensed under this  
17 chapter, and shall also include any named responsible managing officer or member of the  
18 personnel of such licentiate whose appearance has qualified the licentiate under the provisions of  
19 Section 7068."  
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21           11.    Code section 7097 states:

22           "Notwithstanding the provisions of Sections 7121 and 7122, when any license has been  
23 suspended by a decision of the registrar pursuant to an accusation or pursuant to subdivision (b)  
24 of Section 7071.17, Section 7085.6 or 7090.1, any additional license issued under this chapter  
25 [the Contractors' State License Law] in the name of the licensee or for which the licensee  
26 furnished qualifying experience and appearance under the provisions of Section 7068, may be  
27 suspended by the registrar without further notice."  
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12. Code section 7098 states:

“Notwithstanding the provisions of Sections 7121 and 7122, when any license has been revoked under the provisions of this chapter [the Contractors’ State License Law], any additional license issued under this chapter in the name of the licensee or for which the licensee furnished qualifying experience and appearance under the provisions of Section 7068, may be revoked by the registrar without further notice.”

13. Code section 7121 provides:

“Any person who has been denied a license for a reason other than failure to document sufficient satisfactory experience for a supplemental classification for an existing license, or who has had his or her license revoked, or whose license is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a member, officer, director, or associate of any partnership, corporation, firm, or association whose application for a license has been denied for a reason other than failure to document sufficient satisfactory experience for a supplemental classification for an existing license, or whose license has been revoked, or whose license is under suspension, or who has failed to renew a license while it was under suspension, and while acting as a member, officer, director, or associate had knowledge of or participated in any of the prohibited acts for which the license was denied, suspended, or revoked, shall be prohibited from serving as an officer, director, associate, partner, or qualifying individual of a licensee, and the employment, election, or association of this type of person by a licensee in any capacity other than as a nonsupervising bona fide employee shall constitute grounds for disciplinary action.”

14. Code section 7121.5 provides:

“Any person who was the qualifying individual on a revoked license, or of a license under suspension, or of a license that was not renewed while it was under suspension, shall be

1 prohibited from serving as an officer, director, associate, partner, or qualifying individual of a  
2 licensee, whether or not the individual had knowledge of or participated in the prohibited acts or  
3 omissions for which the license was revoked, or suspended, and the employment, election, or  
4 association of such person by a licensee shall constitute grounds for disciplinary action."

5 15. Code section 7123 states that "[a] conviction of a crime substantially related to the  
6 qualifications, functions and duties of a contractor constitutes a cause for disciplinary action.  
7 The record of the conviction shall be conclusive evidence thereof."

#### 8 REGULATORY PROVISION

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10 16. California Code of Regulations, title 16, section 868 states, in part:

11 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5  
12 (commencing with Section 475) of the code, a crime or act, as defined in Section 480 of the code,  
13 shall be considered to be substantially related to the qualifications, functions, or duties of a  
14 licensee (under Division 3, Chapter 9 of the code) if it evidences present or potential unfitness of  
15 an applicant or licensee to perform the functions authorized by the licensee in a manner consistent  
16 with the public health, safety, and welfare. The crimes or acts shall include, but not be limited to,  
17 the following:  
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19 ...

20 "(d) Crimes or acts involving physical violence against persons.

21 "(e) Crimes or acts that indicate a substantial or repeated disregard for the health, safety, or  
22 welfare of the public."  
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#### 24 COST RECOVERY

25 17. Code section 125.3 provides, in pertinent part, that the Registrar may request the  
26 administrative law judge to direct a licentiate found to have committed a violation or violations of  
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
28 enforcement of the case.



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CAUSE FOR DISCIPLINE  
(Substantially Related Conviction)  
(Business and Professions Code §§490 and 7123)

18. Respondent Juan Antonio Vazquez is subject to disciplinary action under Code sections 490 and 7123 in that he was convicted of crimes substantially related to the qualifications, functions, and duties of a licensed contractor, within the meaning of California Code of Regulations, title 16, section 868. The circumstances are as follows:

a. On or about July 11, 2000, in the criminal proceeding entitled *People v. Juan Antonio Vasquez* in Santa Clara County Superior Court Superior Court, Case Number C9950638, Respondent was convicted for violating two felony counts of Penal Code section 288, subdivision (a), (Lewd or Lascivious Act on a Child Under 14). As a result, he was ordered to serve nine months in county jail, serve three years formal probation, register as a sex offender, complete psychological treatment and comply with various other terms and conditions. The record of the criminal proceeding is incorporated as if fully set forth.

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DISCIPLINARY CONSIDERATIONS

19. Pursuant to Code sections 7097 and 7098, if Contractor's License Number 682234, issued to Respondent, is suspended or revoked following a hearing, then the Registrar may suspend or revoke, without further notice, any additional license issued in the name of Juan Antonio Vasquez or for which he furnished the qualifying experience and appearance.

20. Pursuant to Code section 7121, if discipline is imposed on Contractor License Number 682234, Juan Antonio Vasquez shall be prohibited from serving as an officer, director, associate, partner, or qualifying individual of any licensee during the time that discipline is imposed on that license, and any licensee which employs, elects, or associates such person in any capacity other than as a non-supervising bona fide employee shall be subject to disciplinary action.

21. Pursuant to Code section 7121.5, if discipline is imposed on Contractor License Number 682234, Juan Antonio Vasquez Jacques shall be prohibited from serving as an officer, director, associate, partner, or qualifying individual of any licensee during the time that discipline is imposed on that license, whether or not he had knowledge of or participated in the acts or omissions constituting grounds for discipline, and any licensee which employs, elects, or associates such person shall be subject to disciplinary action.

PRA YER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Registrar of Contractors issue a decision:

1. Revoking or suspending Contractor, C-36 Number 682234 issued to Juan Antonio Vazquez, sole owner and d.b.a. Tony's Plumbing Company;
2. Prohibiting Juan Antonio Vazquez from serving as an officer, director, associate, partner, or qualifying individual of any licensee during the period that discipline is imposed on license Number 682234, issued to Juan Antonio Vazquez, sole owner and d.b.a. Tony's Plumbing Company;
3. Revoking or suspending any other license for which Juan Antonio Vazquez is furnishing the qualifying experience or appearance;
4. Ordering Juan Antonio Vazquez, sole owner and d.b.a. Tony's Plumbing Company, to pay the Registrar of Contractors the costs in the investigation and enforcement of the case according to proof at the hearing, pursuant to Business and Professions Code section 125.3; and
5. Taking such other and further action as deemed necessary and proper.

DATED: DECEMBER 20, 2010

WOOD ROBINSON  
Enforcement Supervisor I  
Contractors' State License Board  
State of California  
*Complainant*